

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES**

July 24, 2007

CALL TO ORDER

Chair Feldsien called the meeting of the July 24, 2007 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

All Planning Commission members were present: Chair Feldsien, Commissioners Ferrington, Mons, Proud, Schumer, Solomonson and Wenner.

APPROVAL OF AGENDA

MOTION: by Commissioner by Schumer, seconded by Commissioner Wenner to approve the agenda as submitted.

ROLL CALL: Ayes - 7 Nays - 0

APPROVAL OF MINUTES

Commissioner Schumer noted that on the first page of the minutes in the motion for approval of the minutes, the date should be March 27, 2007.

MOTION: by Commissioner Proud, seconded by Commissioner Ferrington to accept the June 26, 2007 Planning Commission meeting minutes as submitted.

ROLL CALL: Ayes - 7 Nays - 0

REPORT ON CITY COUNCIL ACTIONS

Ms. Nordine reported that the City Council approved the following:

- Final Plat for Zawadski Homes
- Variance extension for Darwin J. DeRosier
- Cascade Partners, LP - without the sidewalk extension south of the fire station because it would be located in North Oaks, and North Oaks is unwilling to maintain it.

NEW BUSINESS**VARIANCE**

FILE NO.: 2283-07-04
APPLICANT: Kevin & Patricia Weber
Location: 4523 Chatsworth

Presentation by City Planner Kathleen Nordine

The application is for a variance for a front entry addition on their split level entry design home. The dimension of the proposed new entry would be 3' x 7.6' and would include a covered stoop of 4' x 7.6'. A variance is required for the entry addition for a front yard setback of 27 feet, 3 feet less than the required 30 feet. The covered stoop requires a second variance to increase the width of the permitted encroachment into the setback from the maximum of 7 feet to 7' 6". The house is a split entry design.

The applicant states that there is hardship due to the original design of this entry and its function. The size of the landing and door size constrict ingress and egress. The new entry will be safer and allow for emergency egress. The new entry would not impact the character of the neighborhood.

Staff agrees with the applicant. The entry area is limited by the setback of the house from the front property line right at 30 feet. Although other homes in the neighborhood are consistently at the 30-foot setback line, the 3-foot variance is minimal. Covered landings are a permitted encroachment in the Code, and the square footage of the landing does not exceed the 35 square feet permitted.

Property owners within 150 feet were notified of the application. Two comments were received in support of the proposal. Staff is recommending approval with the conditions listed in the staff report.

Commissioner Mons noted that the entryway is now 7'6" wide. It would be unreasonable to approve the 3-foot encroachment without approving the already existing width of the entryway of 7'6". He suggested that these applications could be reviewed administratively rather than through the variance process. Ms. Nordine stated that the only process available for this type of application that varies from the code is the variance process that is reviewed by the Planning Commission.

Chair Feldsien opened the discussion to public comments. There were none.

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to adopt Resolution 07-54, approving the variance request submitted by Kevin and Patricia Weber for their property at 4523 Chatsworth St. N. The request allows reduction of the required 30-foot front yard setback to 27 feet for a

3' x 7'6" front entry addition and 4' x 7'6" covered stoop. Hardship is present due to:

1. The existing landing area of 24 square feet is not adequate for reasonable and safe ingress and egress from the split entry house, especially in the event of an emergency. Enlarging the entry area is a reasonable use otherwise denied by the terms of the Development Code due to the setback of the house from the front lot line.
2. The small area of the landing is exacerbated by the swing of the entry door.

This approval is subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. The entry addition shall maintain a minimum setback of 27 feet from the front lot line. A covered landing 4' x 7'6" wide is a permitted encroachment as part of the variance. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The entry addition shall be constructed of finish materials matching the finish on the existing house.
3. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
4. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

ROLL CALL:

Ayes - 7

Nays - 0

TEXT AMENDMENT - FIRE SUPPRESSION

FILE NO.: 2285-07-26
APPLICANT: CITY OF SHOREVIEW
LOCATION: CITY WIDE

Presentation by Senior Planner Rob Warwick

The State of Minnesota has adopted a new Building Code, effective July 10, 2007. It is incorporated into the City Code by reference. Provisions relating to fire suppression that were optional in Chapter 1306 are now fully incorporated into the state Building Code.

They relate specifically to R1 and townhouse construction. These provisions that were optional were adopted by the City. This language is no longer needed, as it has been incorporated into the full state code.

Due to publication deadlines, there was not time to hold the public hearing with the

Planning Commission. The City Council will hold the public hearing on August 6, 2007. Commissioner Mons asked what specific optional items have been incorporated into state law that is no longer necessary to be part of the City Code. Mr. Warwick stated that he does not have a list of items, but the main thing is that certain sprinkling systems will be required in construction in R1 districts and in townhouses. He offered to provide a list to Commissioner Mons.

MOTION: by Commissioner Mons, seconded by Commissioner Ferrington to recommend the City Council adopt the text amendment to Section 212, Building and Fire Code.

ROLL CALL: Ayes - 7 Nays – 0

PLANNED UNIT DEVELOPMENT - CONCEPT

FILE NO.: 2279-07-20
APPLICANT: MENDOTA HOMES, INC.
LOCATION: 26-30-23-33-0033 (37XX LEXINGTON AVENUE)

Presentation by Senior Planner Rob Warwick

Mendota Homes has submitted a development application for the Lange property located north of the Soo Line Railroad and west of the County Open Space on Lexington Avenue. A 24-unit two-story senior condominium building is proposed. PUD zoning is requested due to the constraints of the site. Several deviations are anticipated. The property consists of 4.3 acres with approximately 505 feet of frontage on Lexington Avenue. The depth of the lot varies from 205 feet at the south line, approximately 410 feet at the midpoint and 337.61 feet along the north property line. Within the property are 2.3 acres of wetland in the center portion. The wetland is two basins with a drainage channel that flows east to west.

In March 2007, a 33-unit senior building was proposed for this site. City and public comment expressed concerns about intensity, proximity to the trail, visual impact, building height of three stories and setbacks from the north and east property lines.

The plans were revised based on public input and comments from the Planning Commission in March. The number of units and building size has been reduced. The building is set back 30 feet from the north lot line and 17.5 feet from the east line. The front entry faces Lexington at the garage level. Site access would be from an existing drive off Lexington. The driveway is 700 feet long and loops around the south and east sides of the wetland area, crossing the channel that connects the two basins. The driveway access from the south reduces impacts to wetland and separates it from the trail. The driveway will be bordered with native vegetation and will include a rain garden infiltration area for storm water. The curb cut for the driveway will have to be right-in-right-out because of the median on Lexington Avenue. Ramsey County approval must be obtained. The proposed building is shown on an upland area northeast of the wetland.

The 24-unit, two-story building would have an underground garage with 31 parking stalls. Because of the topography, the west wall of the garage will be above grade. This will make the building appear as three stories from Lexington Avenue. The building is designed with a 6/12 roof pitch and earth tone colors. Building materials include hardi-board siding, brick accents and asphalt shingles. Surface parking will provide an additional 9 parking spaces. A “hammerhead” turnaround is adjacent to the outdoor parking area.

Future applications are required to amend the City’s Comprehensive Plan for this site from Recreation Open Space (ROS) to High-Density Senior (HSR) and change the zoning from Urban Underdeveloped (UND) to Planned Unit Development (PUD). HSR zoning is not consistent with its ROS designation, but the change would support some of the City’s housing goals. This property is not included in the County Island Lake Regional Park master plan. The County does not intend to acquire this property but would accept it as a gift or donation. The City also has not identified this property for City parkland. The proposed density of 5.6 units per acre is well below the HSR density range of 20 to 45 units per acre. Surrounding properties include the YMCA to the north, the railroad to the south, commercial and office areas south of the railroad and commercial development in Arden Hills to the west across Lexington. The proposed building is 175 feet from the nearest home on Island Lake Avenue and 30 feet from the County trail. The area between the building and north property line will allow for landscape screening. The north building elevation parallels the trail for approximately 160 feet.

Staff’s primary concern is the visual impact to park users and the nearby single-family neighborhood. The footprint of the building is shown as 14,400 square feet. Impervious surface is 35,000 square feet, 18% of the total site and 38% of the buildable area outside the wetland. The footprint is small in comparison to other senior housing buildings in the City that range from 42,000 to 52,500 square feet. The peak height is at 42 feet above grade as seen from Lexington Avenue and 31 feet when viewed from the north and east. The maximum building height permitted is 35 feet. The setback from the east lot line of 17.5 feet does not meet the required setback of 30 feet. A detailed landscape plan is recommended if this proposal moves forward. The Rice Creek Watershed District has (RCWD) reviewed and accepted the wetland delineation with the addition of the channel connecting the two basins. Wetland impacts will be reviewed by RCWD when a detailed plan is submitted.

A tree survey is required at the Development Stage review. The developer will be responsible for replacing trees according to the City’s tree replacement ordinance. The applicant has stated that the buffer will be cleared of buckthorn and replaced with native shrubs. Storm water will be addressed with pervious surface materials in the parking area, a linear rain garden and an underground detention basin for the roof.

The application has been sent for review by the DNR, Ramsey County Parks Department, Ramsey County Public Works, Army Corps of Engineers, City of Arden Hills and Lake Johanna Fire Department. Comments mainly identify regulations that apply to this

proposal. The Fire Marshall has indicated that the building must be sprinkled, the drive and turnaround must be posted “No Parking.” Otherwise, the access is acceptable.

Property owners in excess within 350 feet were notified, including all Island Lake Avenue residents. Concerns continue to be expressed about building impact on the wetland, intensity, traffic access and building quality. Staff supports a senior housing development, but wetland impacts and mitigation are critical. Staff recommends that future review include determinations from the RCWD, DNR and WCA.

Commission Discussion

Commissioner Mons noted a number of differences in this revised plan. In the first review of the previous concept, Ramsey County Conversation District indicated that the setback from the wetland should be 50 feet. It remains at 16.5 feet. The access drive has doubled in length and is wider. Impervious surface is at 35,000 square feet. Parking spaces provided are consistent with the footprint of the building, which is slightly larger by 200 square feet. Ramsey County owns the 30-foot strip where the trail is located. The developer has indicated a willingness to add a trail connection to the County trail.

Commissioner Ferrington asked if the soil has been tested to see if it can support this large of a development. Mr. Warwick stated that at this Concept Stage a soil test is not required, but the developer has taken samples and is satisfied.

Chair Feldsien opened the discussion to public comment.

Mr. Rolf Oliver, 1024 Island Lake Avenue, stated that the neighborhood has met several times on this site. Five issues were identified: 1) intensity--only the northeast corner of the site is buildable; 2) quality of the project; 3) skeptical of condominiums, which could ultimately be rental housing; 4) developer documents are difficult to follow--elevations are not consistent; and 5) concern to comply with regulations. This amount of intensity will contribute to congestion. The access has poor visibility and is right-in-right-out only. There have been 35 accidents at Lexington and I-35E in the last two years. The south side of the wetland area is a heavily wooded area. Those trees will be taken out, and the buffer from passing trains will be diminished. The developer has responded nicely by reducing the number of units and by changing the access from the north side to the south side. However, there will be a great loss of trees and the setback dimensions are still quite tight. Quality issues do not meet what has been built previously in Shoreview, nor are regulations satisfied: 1) no canopied entrance because of dimension constraints; 2) no usable open space for aesthetics or recreation--there is no link to the Ramsey County Open Space.; 3) not enough parking, which may mean parking along the driveway. Getting across Lexington will be difficult to access the commercial businesses across the street. This development does not meet the standards of Shoreview. The setback from the wetland on the east is at 16 feet instead of the required 50 feet. An underground garage will easily be 65 feet wide, which challenges the setback on the west. He estimated the west setback to be 15 feet, which will not afford a lot of privacy on that side from pedestrian traffic on Lexington.

Mr. Vern Hahn, 1072 Island Lake Avenue, stated that of the over four acres on the site, approximately one-half acre can be developed at the most.

Ms. Cindy Olson, 3680 Milton Street, stated that she does not believe there will not be a traffic impact with this development. Recently, when she came home on Lexington Avenue it took 27 minutes to go one-half mile from the YMCA to the County Road E intersection. Also, the deer habitat will be destroyed.

Mr. John Mathern, Mendota Homes, Developer, stated that the site is 4 acres on Lexington Avenue and across from commercial. Access is a given for this site. It is a matter of determining where. The plan was changed for the access to come from the south, although it increases impervious surface. He met with the Fire Department to confirm that the access is adequate. Access from the south has no impact to neighbors to the north. The height could be further reduced with a flat roof, if this is a serious concern. The overriding issue with this property is the wetland, which is regulated by a number of agencies. The density is very low at 24 units. Senior housing use for this property will generate the lowest amount of traffic of any other use. The lower number of units will raise the association fee for residents by approximately \$50 per month to ensure that the property is taken care of. The closest point of the building from the trail is now 30 feet. This is a reasonable use of the property. Twenty-four units is a benign use. Storm water management includes pervious asphalt, rain gardens, and water detention.

Commissioner Proud expressed concern that there is only one access. Maybe not a hard surface, but he would like to see an emergency access. He would like to see a sidewalk to the bituminous trail. There may be an opportunity to enhance the wetland. He is not sure whether he supports the project. It is a large building on a small area of land. On the other hand, it is an opportunity for the property owner to develop a fallow piece of property. He thanked Mr. Mathern for listening to the concerns expressed.

Commissioner Mons asked for further explanation to put in a boardwalk instead of a paved surface. **Mr. Mathern** explained that the walkway encroaches into the 16.5 foot buffer from the wetland. A boardwalk is not an impervious surface and does not have an impact on the wetland to get to the entrance. The entrance could be moved to the south end of the building, but from Lexington, the building would look out of balance. Residents will be coming and going from the underground garage. There will be little use of the walk in the winter when residents are met and picked up inside the garage.

Commissioner Mons asked about condominiums becoming rental. **Mr. Mathern** stated that it is true that residents can rent their units, but rental is regulated by the association. They already have interested buyers and he is not anticipating that this condominium building will become rental. A recent Maxfield Research study indicates that moderately priced units in the Roseville/Shoreview/Arden Hills will continue to sell.

Commissioner Ferrington asked about the soil. **Mr. Mathern** stated that a two-story building over underground parking is a low soil load. No additional footings are needed.

Detailed soil borings were done with the first proposal.

Commissioner Ferrington asked if there are plans to address storm water management to prevent runoff from polluting the wetlands. **Mr. Mathern** explained that the grass and plantings along the drive serve as the filter before water reaches the wetland. The parking lot will be a pervious surface so that water drains into a sand bed. Roof runoff will be directed into a 3-foot corrugated pipe so that the sediment settles as the water runs to the wetland. The pipes would be cleaned every five or six years.

Chair Feldsien asked if a shorter route has been considered for utilities other than along the roadway. **Mr. Mathern** stated the utilities are shown along the roadway because that impacts the least amount of wetland. However, utilities could easily be brought straight in from the north. Some wetland would be impacted that would have to be restored, but it could easily be done.

Commissioner Mons stated that he disagrees with the City Council on the placement of the driveway. He does not believe a driveway next to the trail is a great impediment to enjoyment of the trail. He also believes a northern access would be safer. The railroad and intersection at County Road E could cause more problems for a driveway to the south. If the driveway stays to the south, he will want to look at dropping people off. He does not have any concerns about the units becoming rental. Also, he would want to see additional parking addressed. If people park across the street, he would argue for a northern access that would be much more direct.

Commissioner Solomonson stated that this is a difficult property. He favors the south access because it minimizes impact to neighbors to the north. This is a good transition from other commercial development on Lexington. The number of 24 units is low in density. A setback of 175 feet is a good distance from the nearest residents. He would not want to see a flat roof. A pitched roof will look better from the street.

Commissioner Wenner stated that he is torn between supporting an access either to the north or south. There are tradeoffs with each. The developer will have to address this with the neighbors. Connecting this development by making it walk friendly has been done.

Commissioner Schumer agreed with Commissioner Mons regarding a north entrance. However, the developer has done a good job with the request by the Council. This small development will not have a significant impact on traffic. He would like to see a better entrance to the building that is closer to the parking lot. The developer has done a good job with requested changes.

Commissioner Ferrington stated that the proposed use is consistent with needs in the community, but the site is very ecologically sensitive. She believes that what is proposed is still too intense for this site. She would like to see a smaller footprint and more green space.

Commissioner Proud stated that he is undecided. This property is not a pristine environmental area. He agreed that a north entrance should be further explored because there would be less disturbance to the wetland and perhaps offers other opportunities for enhancements.

Chair Feldsien stated that he, too, would favor a north entrance. His concern is utilities. A sewer that is 700 feet is a lot of sewer to maintain or look for any backup. He would not want to see a flat roof, as they are nothing but problems. A pitched roof would look much better. He likes seeing the rain gardens. He shares others' concerns for enough parking and the concern for a smaller footprint. A canopy entrance would be preferable because it is very convenient for meeting and dropping off residents, especially in inclement weather.

Commissioner Mons stated that he sees the larger footprint as a result of reducing the height by one story. He expressed some concern that if the developer is told to reduce the footprint further, the project will become economically unfeasible.

Chair Feldsien stated he does not believe the developer is being told that the footprint must be reduced. As a priority, the height should be kept where it is. If it is possible to further reduce the footprint without adding to the height, then it should be done. If not, it should be kept the size it is now.

MISCELLANEOUS

Fence Regulations

Ms. Nordine reported that the proposed regulations are a result of the Council's concern about fence design, specifically relating to color. Proposed changes include: 1) definition of a fence, 2) placement of fences within drainage and utility easements only with the approval of the Public Works Director, 3) color is restricted to a single color of white, black or earth tone--earth tone is defined--and an accent color is allowed; green would be allowed on chain link fencing; 4) a single construction material to be used for fencing visible from the front.

Commissioner Proud stated that unpainted wood is also an issue. He noted that there are many different types of wire available. He suggested identifying the types of wire that would be acceptable. He would not want to see an expanded metal fence. He recommended the term "surface elevation" in place of "ground grade" as mentioned on page 1, (b). Safety is an issue when nails protrude from fences. The Council and Planning Commission should have the authority to determine an unacceptable fence to be a nuisance so the abatement process can be used. On page 2, (c) he would add the word, "maintained," to read, "Fences shall be constructed and maintained...".

Commissioner Solomonson noted that two types of wood or material could be two different colors. Ms. Nordine stated that a single color must be used, but an accent color could be added.

Commissioner Mons stated that he is not very concerned about color. He suggested the ordinance have a statement about not lowering property values or changing the aesthetics of the neighborhood, although that is a judgment that is hard to enforce.

Chair Feldsien stated that a single color implies a single material. He cautioned against subjective judgment. Ms. Nordine stated that variations would be allowed, but the concern is that there be a consistent look when viewed from the street.

Chair Feldsien opened the discussion to public comment.

Mr. Nito Quitevis, stated he has two addresses, 450 Horseshoe Drive and 372 North Owasso Boulevard. He stated that the ordinance is deceiving. There has never been a problem in the City with the current ordinance. The proposed word changes are unnecessary. The current ordinance is successfully being applied by the City Inspector at the time of final sign off. There has not been a problem with height that would require the fine tuned wording proposed. The current ordinance had addressed any issues that have come up. There have been no lawsuits. The term “uniform appearance” is arbitrary. What is the interpretation of “materials that are not consistent with industry standards?” This opens the door for some tough decisions. In two workshops the Council could not decide on color. The market will soon include other colors than green for chain link fences. They would be banned under this ordinance. Is galvanized a color? Should it be a color? Graffiti is addressed in the sign ordinance. A “Special Purpose Fence” section is not needed. In ordinance 203.042 and the fence ordinance, this is addressed with the variance process. This ordinance will open the door to unlimited litigation possibilities based on civil rights violations and violations to the First Amendment of the Constitution. If his neighbor does not like his deck color, will the City Planner tell him what color to use? This ordinance is a result of one complaint by Mr. Hagstrom about his, Mr. Quitevis’ fence that is not seen by the public. Mr. Hagstrom’s property has increased in value by 68% since 2004. In fact, there are two fences between the two properties--a privacy fence and a chain link fence. The issue between him and Mr. Hagstrom is being handled by their attorneys and should not involve the City. His recommendation is that the Planning Commission return this proposed ordinance to the Council with the recommendation that the changes be withdrawn. Mr. Quitevis showed several photographs of a wide variety of existing fences at various heights. It is disturbing to think the Council would change an ordinance because of one complaint.

Mr. Howard Sims, 530 Mackubin Circle, stated that a complex ordinance is proposed because the less complex current ordinance has an enforcement issue. Appropriate feedback to the City Council may be to look at enforcing what is in place before making the situation more complicated.

Ms. Deirdre Hagstrom, stated she lives next to the fence that is painted colors she does not like looking at every day, but it is not her fence. In talking to the owner of the home, she was told that the fence is being maintained and that is why it is painted several colors.

It was painted when she was not home or when there was no opportunity to talk. On her neighbor's side of the fence, it is plain wood. The multiple colors are a violation of her property, her right to enjoy her home and her life style. She showed a photograph of the fence and stated that she would like to see an ordinance that would protect anyone from this.

Ms. Sue Nicholson, 372 North Owasso Boulevard, stated that the fence just shown to Commissioners is her fence. She has come home to damage on her property that has been going on since 1989. She has to stand up for herself and if that means painting a fence, she is not going to be quiet anymore. She was told by Mayor Martin that an ordinance would not be changed for one person. Because of ongoing destruction of her property, she applied for the fence in 2000. The entire fence is on her property by a foot or more. It meets all City code regulations. The issue is being addressed by attorneys and is a private issue between her and the Hagstroms.

Ms. Debbie Henry, 950 County Road E, stated that she built a fence two years ago and followed all regulations. One concern is the proposed wording regarding fences that are not consistent with construction materials, height and standards. It does not refer to newly constructed. It is scary to think the City would come back and make her spend more money to comply with new rules. She would like the wording to be clearer. The current fence provisions allow properties on main roads to have a 6-foot fence on the side yard but only a 4-foot fence in the front. She needed a fence to protect her dog from running into the road traffic on County Road E, which is dangerous. Her fence is of two different materials--chain link and a redwood privacy fence. If there had been permission to build a 6-foot fence in front for safety, she could have made the whole fence uniform. Perhaps there are deeper issues of privacy and safety than only aesthetics. As for color, there are fads. New developments follow the current fad. People who prefer neighborhoods where individuals can choose their own color for houses will want the same for fences. She would not want to be put in a position to ask her neighbor, who has complained about her fence, for permission to change it because it is no longer in compliance.

Chair Feldsein closed the discussion.

Rice Creek Watershed District Proposed Rules

Ms. Nordine explained that the City is requested to provide feedback to the watershed district by August 1, 2007. Staff is concerned about balancing the environmental goals of the watershed district with economic development needs. The Comprehensive Plan and growth projection for the region make it questionable as to whether there can be compliance with the proposed stricter watershed district regulations.

Commissioner Mons stated that he would like to see a discussion about the implications and impact to City policy with these proposed regulations. The review period needs to be longer. Ms. Nordine stated that one recommendation to the watershed district is to extend the review period to have time to better understand what the regulations really

mean. Staff is also concerned that such strict regulations could prevent property owners from making improvements to their property that they would otherwise do.

Chair Feldsien requested Commissioners to review the proposed rules and send email comments to Mr. Maloney with a copy to other Commissioners

Council Meeting Assignments

Chair Feldsien and Commissioner Schumer will attend the August 6th and August 20th City Council meetings respectively.

Workshop

The Planning Commission will hold a workshop meeting at 6:15 p.m., immediately prior to the regularly scheduled meeting at 7:00 p.m., on August 28, 2007. Commissioner Mons stated that he would be unable to attend that meeting.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Mons to adjourn the July 24, 2007 Planning Commission meeting at 10.15P.M.

ROLL CALL: Ayes - 7 Nays - 0

ATTEST:

Kathleen Nordine
City Planner